



### State Water Resources Control Board

Division of Drinking Water

July 17, 2017

Mr. Steve Perez
B & J Land Company - 1502826
1408 S. Lexington Street
Delano, CA 93215

Dear Mr. Perez:

Citation No. 03\_12\_17C\_024
Total Coliform Monitoring and Reporting Violation and Groundwater Rule Violation
For April and May 2017

Enclosed is a Citation issued to the B & J Land Company (hereinafter "B & J Land Company") public water system.

The Water System will be billed at the State Water Resources Control Board's (hereinafter "State Water Board") hourly rate for the time spent on issuing this citation. California Health and Safety Code (hereinafter "CHSC"), Section 116577, provides that a public water system must reimburse the State Water Board for actual costs incurred by the State Water Board for specified enforcement actions, including but not limited to, preparing, issuing and monitoring compliance with a citation. The Water System will receive a bill sent from the State Water Board in August of the next fiscal year. This bill will contain fees for any enforcement time spent on the Water System for the current fiscal year.

Any person who is aggrieved by a citation, order or decision issued by the Deputy Director of the Division of Drinking Water under Article 8 (commencing with CHSC, Section 116625) or Article 9 (commencing with CHSC, Section 116650), of the Safe Drinking Water Act (Division 104, Part 12, Chapter 4) may file a petition with the State Water Board for reconsideration of the citation, order or decision. Appendix 1 to the enclosed Citation contains the relevant statutory provisions for filing a petition for reconsideration. (CHSC, Section 116701).

Petitions must be received by the State Water Board within 30 days of the issuance of the citation, order or decision by the Deputy Director. The date of issuance is the date when the Division of Drinking Water mails a copy of the citation, order or decision. If the 30th day falls on a Saturday, Sunday, or state holiday, the petition is due the following business day by 5:00 p.m.

Information regarding filing petitions may be found at:

http://www.waterboards.ca.gov/drinking water/programs/petitions/index.shtml

If you have any questions regarding this letter, please contact Adam Forbes of my staff at (559) 447-3137.

Sincerely,

Tricia A. Wathen, P.E.

Senior Sanitary Engineer, Visalia District

SOUTHERN CALIFORNIA BRANCH

DRINKING WATER FIELD OPERATIONS

District webpage: http://www.waterboards.ca.gov/drinking\_water/programs/districts/visalia\_district.shtml

TAW/LR

**Enclosures** 

Certified Mail No. 7016 2070 0000 4896 3735

cc: Kern County Environmental Health Department (w/o attachments)

Issued:

## STATE OF CALIFORNIA

### STATE WATER RESOURCES CONTROL BOARD

### **DIVISION OF DRINKING WATER**

Name of Public Water System: B & J Land Company

Water System No: 1502826

Attention: Mr. Steve Perez

1408 S. Lexington Street

Delano, CA 93215

July 17, 2017

### CITATION FOR NONCOMPLIANCE

# TOTAL COLIFORM MONITORING AND REPORTING VIOLATION CALIFORNIA CODE OF REGULATIONS, TITLE 22,

SECTIONS 64424(a)(1), 64424(d), 64423.1(c) AND 64430

### April 2017

The California Health and Safety Code (hereinafter "CHSC"), Section 116650 authorizes the State Water Resources Control Board (hereinafter "State Water Board") to issue a citation to a public water system when the State Water Board determines that the public water system has violated or is violating the California Safe Drinking Water Act (hereinafter "California SDWA"), (CHSC, Division 104, Part 12, Chapter 4, commencing with Section 116270), or any regulation, standard, permit, or order issued or adopted thereunder.

The State Water Board, acting by and through its Division of Drinking Water (hereinafter "Division") and the Deputy Director for the Division, hereby issues this citation pursuant to Section 116650 of the CHSC to the B & J Land Company (hereinafter "Water System") for violation of CHSC, Section 116555(a)(1) and California Code of Regulations (hereinafter "CCR"), Title 22, Sections 64424(a)(1), 64424(d) and 64430.

A copy of the applicable statutes and regulations are included in Appendix 1, which is attached hereto and incorporated by reference.

### STATEMENT OF FACTS

The Water System is classified as a transient non community water system with a population of approximately 225 persons, served through one (1) service connection. The Water System is required to collect a minimum of one (1) distribution system bacteriological sample per month. The State Water Board received laboratory results for one (1) bacteriological sample collected during April 2017 from the Water System. One (1) tested positive for total coliform bacteria and did not detect the presence of Escherichia coli (*E. coli*) bacteria. The State Water Board received no results for repeat bacteriological samples taken during April 2017 in follow up. In addition, the State Water Board received one (1) bacteriological sample for the month of May 2017 in lieu of the required five (5) routine bacteriolocal samples following a month with a total coliform-positive result. All water samples for coliform bacteria are summarized in Appendix 2.

Pursuant to the Federal Revised Total Coliform Rule (FRTCR), a Level 1 Assessment is triggered whenever a water system fails to collect all required repeat samples after any total coliform-positive routine sample. The State Water Board began implementing the FRTCR on April 1, 2016. The State Water Board received the Level 1 Assessment from the Water System on June 29, 2017.

Furthermore, the Groundwater Rule (GWR) requires the collection of a sample for bacteriological evaluation from the well(s) serving the system in response to a coliform positive distribution sample within 24 hours of being notified of the coliform positive result. The State Water Board received no (0) raw water bacteriological well samples in follow up to the total coliform positive routine sample collected on April 19, 2017.

Public notification to the customers of the Water System was conducted on June 28, 2017 for failure to collect all the required repeat sampling during the month of April 2017. Copies of the notice and proof of notification form are included in Appendices 3 and 4.

### DETERMINATION

CCR, Title 22, Section 64424(a)(1), states that a water supplier that normally collects one or fewer samples per month, a repeat sample set shall be at least four samples for each total coliform-positive sample. CCR Title 22, Section 64423.1(c), states in relevant part that analytical results of all required samples collected for a system in a calendar month shall be reported to the State Water Board not later than the tenth day of the following month...".

When collecting the repeat sample set, the water supplier shall collect at least one repeat sample from the sampling tap where the original total coliform-positive sample was taken. Other repeat samples shall be collected within five service connections upstream or downstream of the original site. At least one sample shall be from upstream and one from downstream unless there is no upstream and/or downstream service connection.

The Water System was required to collect and report four (4) repeat bacteriological samples during April 2017 following one (1) total coliform-positive routine sample. The Water System failed to collect and report the required number of repeat bacteriological analytical results to the State Water Board for April 2017. Therefore, the State Water Board has determined that the Water System violated CCR, Title 22, Sections 64424(a)(1) and 64423.1(c) during April 2017.

1	CCR, Title 22, Section 64424(d), states that a public water system for which fewer than five
2	routine samples/month are collected has one or more total coliform-positive samples, the water
3	supplier shall collect at least five routine samples the following month.
4	
5	The Water System was required to collect and report five (5) routine bacteriological distribution
6	samples during May 2017 due to a total coliform-positive result detected in the month of April
7	2017. The Water System failed to collect the required number of routine samples in May 2017.
8	Therefore, the State Water Board has determined that the Water System violated CCR, Title 22,
9	Section 64424(d) during May 2017.
10	
11	CCR, Title 22, Section 64430, Groundwater Rule (federal register Section 141.402 adopted by
12	reference) states a ground water system must collect, within 24 hours of notification of the total
13	coliform-positive sample, at least one ground water well sample from each ground water source
14	in use at the time the total coliform-positive sample was collected.
15	
16	The Water System failed to collect raw water bacteriological well samples in response to a total
17	coliform-positive distribution routine bacteriological sample during April 2017. Therefore, the
18	State Water Board has determined that the Water System failed to comply with CCR, Title 22,
19	Section 64430 during April 2017.
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21	DIRECTIVES
22	The Water System is hereby directed to take the following actions:
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24	1. The Water System shall collect and report bacteriological samples in accordance with
25	CCR, Title 22, Sections 64424(a)(1), 64424(d) and Section 64430 (GWR) in all future
26	monitoring periods.
27	

1	2. Pursuant to CCR, Title 22, Section 64424(d), collect and have analyzed for total coliform
2	bacteria five (5) routine bacteriological samples in July 2017 in follow up to the detection
3	of total coliform bacteria in a sample from April 2017. This is normally required the month
4	after, however, the sampling was not conducted accordingly.
5	
6	All submittals required by this Citation shall be electronically submitted to the State Water Board
7	at the following address. The subject line for all electronic submittals corresponding to this
8	citation shall include the following information: Water System name and number, citation
9	number and title of the document being submitted.
10	
11	Tricia A. Wathen, P.E., Senior Sanitary Engineer
12	State Water Resources Control Board
13	Division of Drinking Water, Visalia District
14	Dwpdist12@waterboards.ca.gov
15	
16	The State Water Board reserves the right to make such modifications to this Citation as it may
17	deem necessary to protect public health and safety. Such modifications may be issued as
18	amendments to this Citation and shall be effective upon issuance.
19	
20	Nothing in this Citation relieves the Water System of its obligation to meet the requirements of
21	the California SDWA (CHSC, Division 104, Part 12, Chapter 4, commencing with Section
22	116270), or any regulation, standard, permit or order issued or adopted thereunder.
23	
24	PARTIES BOUND
25	This Citation shall apply to and be binding upon the Water System, its owners, shareholders
26	officers, directors, agents, employees, contractors, successors, and assignees.
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### SEVERABILITY

The directives of this Citation are severable, and the Water System shall comply with each and every provision thereof notwithstanding the effectiveness of any provision.

**FURTHER ENFORCEMENT ACTION** 

The California SDWA authorizes the State Water Board to: issue a citation or order with assessment of administrative penalties to a public water system for violation or continued violation of the requirements of the California SDWA or any regulation, permit, standard, citation, or order issued or adopted thereunder including, but not limited to, failure to correct a violation identified in a citation or compliance order. The California SDWA also authorizes the State Water Board to take action to suspend or revoke a permit that has been issued to a public water system if the public water system has violated applicable law or regulations or has failed to comply with an order of the State Water Board, and to petition the superior court to take various enforcement measures against a public water system that has failed to comply with an order of the State Water Board. The State Water Board does not waive any further enforcement action by issuance of this Citation.

Tricia Wathen, P.E. Senior Sanitary Engineer, Visalia District

DRINKING WATER FIELD OPERATIONS BRANCH

Appendices (7): Applicable Statutes and Regulations 1.

- Summary of Distribution Bacteriological Samples 2.
- Public Notice for April 2017 3.
- Proof of Notification Form 4.
- Public Notice template for May 2017 5. Proof of Notification Form template for May 2017 6.
- Positive Total Coliform Investigation Report Form



Certified Mail No. 7016 2070 0000 4896 3735

# APPENDIX 1. Applicable Statutes and Regulations for Citation No. 03\_12\_17C\_024 Total Coliform Monitoring and Reporting Violation

NOTE: The following language is provided for the convenience of the recipient, and cannot be relied upon as the State of California's representation of the law. The published codes are the only official representation of the law. Regulations related to drinking water are in Titles 22 and 17 of the California Code of Regulations. Statutes related to drinking water are in the Health & Safety Code, the Water Code, and other codes.

### California Health and Safety Code (CHSC):

### Section 116271 states in relevant part:

- (a) The State Water Resources Control Board succeeds to and is vested with all of the authority, duties, powers, purposes, functions, responsibilities, and jurisdiction of the State Department of Public Health, its predecessors, and its director for purposes of all of the following:
  - (1) The Environmental Laboratory Accreditation Act (Article 3 (commencing with Section 100825) of Chapter 4 of Part 1 of Division 101).
  - (2) Article 3 (commencing with Section 106875) of Chapter 4 of Part 1.
  - (3) Article 1 (commencing with Section 115825) of Chapter 5 of Part 10.
  - (4) This chapter and the Safe Drinking Water State Revolving Fund Law of 1997 (Chapter 4.5 (commencing with Section 116760)).
  - (5) Article 2 (commencing with Section 116800), Article 3 (commencing with Section 116825), and Article 4 (commencing with Section 116875) of Chapter 5.
  - (6) Chapter 7 (commencing with Section 116975).
  - (7) The Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006 (Division 43 (commencing with Section 75001) of the Public Resources Code).
  - (8) The Water Recycling Law (Chapter 7 (commencing with Section 13500) of Division 7 of the Water Code).
  - (9) Chapter 7.3 (commencing with Section 13560) of Division 7 of the Water Code.
  - (10) The California Safe Drinking Water Bond Law of 1976 (Chapter 10.5 (commencing with Section 13850) of Division 7 of the Water Code).
  - (11) Wholesale Regional Water System Security and Reliability Act (Division 20.5 (commencing with Section 73500) of the Water Code).
  - (12) Water Security, Clean Drinking Water, Coastal and Beach Protection Act of 2002 (Division 26.5 (commencing with Section 79500) of the Water Code).
- (b) The State Water Resources Control Board shall maintain a drinking water program and carry out the duties, responsibilities, and functions described in this section. Statutory reference to "department," "state department," or "director" regarding a function transferred to the State Water Resources Control Board shall refer to the State Water Resources Control Board. This section does not impair the authority of a local health officer to enforce this chapter or a county's election not to enforce this chapter, as provided in Section 116500...
- (k) (1) The State Water Resources Control Board shall appoint a deputy director who reports to the executive director to oversee the issuance and enforcement of public water system permits and other duties as appropriate. The deputy director shall have public health expertise.
  - (2) The deputy director is delegated the State Water Resources Control Board's authority to provide notice, approve notice content, approve emergency notification plans, and take other action pursuant to Article 5 (commencing with Section 116450), to issue, renew, reissue, revise, amend, or deny any public water system permits pursuant to Article 7 (commencing with Section 116525), to suspend or revoke any public water system permit pursuant to Article 8 (commencing with Section 116625), and to issue citations, assess penalties, or issue orders pursuant to Article 9 (commencing with Section 116650). Decisions and actions of the deputy director taken pursuant to Article 5 (commencing with Section 116450) or Article 7 (commencing with Section 116525) are deemed decisions and actions taken, but are not subject to reconsideration, by the State Water Resources Control Board. Decisions and actions of the deputy director taken pursuant to Article 8 (commencing with Section 116625) and Article 9 (commencing with Section 116650) are deemed decisions and actions taken by the State Water Resources Control Board, but any aggrieved person may petition the State Water Resources Control Board for reconsideration of the decision or action. This subdivision is not a limitation on the State Water Resources Control Board's authority to delegate any other powers and duties.

### Section 116555 states in relevant part:

- (a) Any person who owns a public water system shall ensure that the system does all of the following:
  - (1) Complies with primary and secondary drinking water standards.
  - (2) Will not be subject to backflow under normal operating conditions.
  - (3) Provides a reliable and adequate supply of pure, wholesome, healthful, and potable water.

### Section 116625 (Revocation and suspension of permits) states:

- (a) The department, after a hearing noticed and conducted as provided in Section 100171, may suspend or revoke any permit issued pursuant to this chapter if the department determines pursuant to the hearing that the permittee is not complying with the permit, this chapter, or any regulation, standard, or order issued or adopted thereunder, or that the permittee has made a false statement or representation on any application, record, or report maintained or submitted for purposes of compliance with this chapter. If the permit at issue has been temporarily suspended pursuant to subdivision (c), the accusation shall be served and notice of the hearing date given within 15 days of the effective date of the temporary suspension order. The commencement of the hearing shall be as soon as practicable, but in no case later than 60 days after the effective date of the temporary suspension order.
- (b) The permittee may file with the superior court a petition for a writ of mandate for review of any decision of the department made pursuant to subdivision (a). Failure to file a petition shall not preclude a party from challenging the reasonableness or validity of a decision of the department in any judicial proceeding to enforce the decision or from pursuing any remedy authorized by this chapter.
- (c) The department may temporarily suspend any permit issued pursuant to this chapter prior to any hearing when the action is necessary to prevent an imminent or substantial danger to health. The director shall notify the permittee of the temporary suspension and the effective date thereof and, at the same time, notify the permittee that a hearing has been scheduled. The hearing shall be held as soon as possible, but not later than 15 days after the effective date of the temporary suspension and shall deal only with the issue of whether the temporary suspension shall remain in place pending a hearing on the merits. The temporary suspension shall remain in effect until the hearing is completed and the director has made a final determination on the temporary suspension, that in any event shall be made within 15 days after the completion of the hearing. If the determination is not transmitted within 15 days after the hearing is completed, the temporary suspension shall be of no further effect. Dissolution of the temporary suspension does not deprive the department of jurisdiction to proceed with a hearing on the merits under subdivision (a).

### Section 116650 states in relevant part:

- (a) If the State Board determines that a public water system is in violation of this chapter or any regulation, permit, standard, citation, or order issued or adopted thereunder, the State Board may issue a citation to the public water system. The citation shall be served upon the public water system personally or by certified mail. Service shall be deemed effective as of the date of personal service or the date of receipt of the certified mail. If a person to whom a citation is directed refuses to accept delivery of the certified mail, the date of service shall be deemed to be the date of mailing.
- (b) Each citation shall be in writing and shall describe the nature of the violation or violations, including a reference to the statutory provision, standard, order, citation, permit, or regulation alleged to have been violated.
- (c) A citation may specify a date for elimination or correction of the condition constituting the violation.
- (d) A citation may include the assessment of a penalty as specified in subdivision (e).
- (e) The State Board may assess a penalty in an amount not to exceed one thousand dollars (\$1,000) per day for each day that a violation occurred, and for each day that a violation continues to occur. A separate penalty may be assessed for each violation and shall be in addition to any liability or penalty imposed under any other law.

### Section 116701 (Petitions to Orders and Decisions) states:

- (a) Within 30 days of issuance of an order or decision issued by the deputy director under Article 8 (commencing with Section 116625) or Article 9 (commencing with Section 116650), an aggrieved person may petition the state board for reconsideration. Where the order or decision of the deputy director is issued after a hearing under Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, this section shall apply instead of Section 11521 of the Government Code.
- (b) The petition shall include the name and address of the petitioner, a copy of the order or decision for which the petitioner seeks reconsideration, identification of the reason the petitioner alleges the issuance of the order was inappropriate or improper, the specific action the petitioner requests, and other information as the state board may prescribe. The petition shall be accompanied by a statement of points and authorities of the legal issues raised by the petition.
- (c) The evidence before the state board shall consist of the record before the deputy director and any other relevant evidence that, in the judgment of the state board, should be considered to implement the policies of this chapter. The state board may, in its discretion, hold a hearing for receipt of additional evidence.
- (d) The state board may refuse to reconsider the order or decision if the petition fails to raise substantial issues that are appropriate for review, may deny the petition upon a determination that the issuance of the order or decision was appropriate and proper, may set aside or modify the order or decision, or take other appropriate action. The state board's action pursuant to this subdivision shall constitute the state board's completion of its reconsideration.
- (e) The state board, upon notice and hearing, if a hearing is held, may stay in whole or in part the effect of the order or decision of the deputy director.
- (f) If an order of the deputy director is subject to reconsideration under this section, the filing of a petition for reconsideration is an administrative remedy that must be exhausted before filing a petition for writ of mandate under Section 116625 or 116700.

### California Code of Regulations, Title 22 (CCR):

### Section 64424 (Repeat Sampling) states in relevant part:

- (a) If a routine sample is total coliform-positive, the water supplier shall collect a repeat sample set as described in paragraph (1) within 24 hours of being notified of the positive result. The repeat samples shall all be collected within the same 24 hour time period. A single service connection system may request that the State Board allow the collection of the repeat sample set over a four-day period.
  - (1) For a water supplier that normally collects more than one routine sample a month, a repeat sample set shall be at least three samples for each total coliform-positive sample. For a water supplier that normally collects one or fewer samples per month, a repeat sample set shall be at least four samples for each total coliform-positive sample.
  - (2) If the water supplier is unable to collect the samples within the 24-hour time period specified in subsection (a) or deliver the samples to the laboratory within 24 hours after collection because of circumstances beyond its control, the water supplier shall notify the State Board within 24 hours. The State Board will then determine how much time the supplier will have to collect the repeat samples.
- (b) When collecting the repeat sample set, the water supplier shall collect at least one repeat sample from the sampling tap where the original total coliform-positive sample was taken. Other repeat samples shall be collected within five service connections upstream or downstream of the original site. At least one sample shall be from upstream and one from downstream unless there is no upstream and/or downstream service connection.
- (c) If one or more samples in the repeat sample set is total coliform-positive, the water supplier shall collect and have analyzed an additional set of repeat samples as specified in subsections (a) and (b). The supplier shall repeat this process until either no coliforms are detected in one complete repeat sample set or the supplier determines that the MCL for total coliforms specified in Section 64426.1 has been exceeded and notifies the State Board.
- (d) If a public water system for which fewer than five routine samples/month are collected has one or more total coliform-positive samples, the water supplier shall collect at least five routine samples the following month. If the supplier stops supplying water during the month after the total coliform-positive(s), at least five samples shall be collected during the first month the system resumes operation. A water supplier may request the State Board waive the requirement to collect at least five routine samples the following month, but a waiver will not be granted solely on the basis that all repeat samples are total coliform-negative. To request a waiver, one of the following conditions shall be met:
  - (1) The State Board conducts a site visit before the end of the next month the system provides water to the public to determine whether additional monitoring and/or corrective action is necessary to protect public health.
  - (2) The State Board determines why the sample was total coliform-positive and establishes that the system has corrected the problem or will correct the problem before the end of the next month the system serves water to the public. If a waiver is granted, a system shall collect at least one routine sample before the end of the next month it serves water to the public and use it to determine compliance with Section 64426.1.

### Section 64463.4 (Tier 2 Public Notice) states:

- (a) A water system shall give public notice pursuant to this section if any of the following occurs:
  - (1) Any violation of the MCL, MRDL, and treatment technique requirements, except:
    - (A) Where a Tier 1 public notice is required under section 64463.1; or
    - (B) Where the State Board determines that a Tier 1 public notice is required, based on potential health impacts and persistence of the violations;
  - (2) All violations of the monitoring and testing procedure requirements in sections 64421 through 64426.1, article 3 (Primary Standards Bacteriological Quality), for which the State Board determines that a Tier 2 rather than a Tier 3 public notice is required, based on potential health impacts and persistence of the violations;
  - (3) Other violations of the monitoring and testing procedure requirements in this chapter, and chapters 15.5, 17 and 17.5, for which the State Board determines that a Tier 2 rather than a Tier 3 public notice is required, based on potential health impacts and persistence of the violations; or
  - (4) Failure to comply with the terms and conditions of any variance or exemption in place.
- (b) A water system shall give the notice as soon as possible within 30 days after it learns of a violation or occurrence specified in subsection (a), except that the water system may request an extension of up to 60 days for providing the notice. This extension would be subject to the State Board's written approval based on the violation or occurrence having been resolved and the State Board's determination that public health and welfare would in no way be adversely affected. In addition, the water system shall:
  - (1) Maintain posted notices in place for as long as the violation or occurrence continues, but in no case less than seven days;
  - (2) Repeat the notice every three months as long as the violation or occurrence continues. Subject to the State Board's written approval based on its determination that public health would in no way be adversely affected, the water system may be allowed to notice less frequently but in no case less than once per year. No allowance for reduced frequency of notice shall be given in the case of a total coliform MCL violation or violation of a Chapter 17 treatment technique requirement; and
  - (3) For turbidity violations pursuant to sections 64652.5(c)(2) and 64653(c), (d) and (f), as applicable, a water system shall consult with the State Board as soon as possible within 24 hours after the water system

learns of the violation to determine whether a Tier 1 public notice is required. If consultation does not take place within 24 hours, the water system shall give Tier 1 public notice within 48 hours after learning of the violation.

- (c) A water system shall deliver the notice, in a manner designed to reach persons served, within the required time period as follows:
  - (1) Unless otherwise directed by the State Board in writing based on its assessment of the violation or occurrence and the potential for adverse effects on public health and welfare, community water systems shall give public notice by;
    - (A) Mail or direct delivery to each customer receiving a bill including those that provide their drinking water to others (e.g., schools or school systems, apartment building owners, or large private employers), and other service connections to which water is delivered by the water system; and
    - (B) Use of one or more of the following methods to reach persons not likely to be reached by a mailing or direct delivery (renters, university students, nursing home patients, prison inmates, etc.):
      - 1. Publication in a local newspaper;
      - 2. Posting in conspicuous public places served by the water system, or on the Internet; or
      - 3. Delivery to community organizations.
  - (2) Unless otherwise directed by the State Board in writing based on its assessment of the violation or occurrence and the potential for adverse effects on public health and welfare, noncommunity water systems shall give the public notice by:
    - (A) Posting in conspicuous locations throughout the area served by the water system; and
    - (B) Using one or more of the following methods to reach persons not likely to be reached by a public posting:
      - 1. Publication in a local newspaper or newsletter distributed to customers;
      - 2. E-mail message to employees or students;
      - 3. Posting on the Internet or intranet; or
      - 4. Direct delivery to each customer.

### Section 64465 (Public Notice Content and Format) states in relevant part:

- (a) Each public notice given pursuant to this article, except Tier 3 public notices for variances and exemptions pursuant to subsection (b), shall contain the following:
  - (1) A description of the violation or occurrence, including the contaminant(s) of concern, and (as applicable) the contaminant level(s);
  - (2) The date(s) of the violation or occurrence;
  - (3) Any potential adverse health effects from the violation or occurrence, including the appropriate standard health effects language from appendices 64465-A through G;
  - (4) The population at risk, including subpopulations particularly vulnerable if exposed to the contaminant in drinking water;
  - (5) Whether alternative water supplies should be used;
  - (6) What actions consumers should take, including when they should seek medical help, if known:
  - (7) What the water system is doing to correct the violation or occurrence;
  - (8) When the water system expects to return to compliance or resolve the occurrence;
  - (9) The name, business address, and phone number of the water system owner, operator, or designee of the water system as a source of additional information concerning the public notice;
  - (10) A statement to encourage the public notice recipient to distribute the public notice to other persons served, using the following standard language: —Please share this information with all the other people who drink this water, especially those who may not have received this public notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this public notice in a public place or distributing copies by hand or mail; and
  - (11) For a water system with a monitoring and testing procedure violation, this language shall be included: "We are required to monitor your drinking water for specific contaminants on a regular basis. Results of regular monitoring are an indicator of whether or not your drinking water meets health standards. During [compliance period dates], we ['did not monitor or test' or 'did not complete all monitoring or testing'] for [contaminant(s)], and therefore, cannot be sure of the quality of your drinking water during that time." ...
- (c) A public water system providing notice pursuant to this article shall comply with the following multilingual-related requirements:
  - (2) For a Tier 2 or Tier 3 public notice:
    - (A) The notice shall contain information in Spanish regarding the importance of the notice, or contain a telephone number or address where Spanish-speaking residents may contact the public water system to obtain a translated copy of the notice or assistance in Spanish; and
    - (B) When a non-English speaking group other than Spanish-speaking exceeds 1,000 residents or 10 percent of the residents served by the public water system, the notice shall include:
      - 1. Information in the appropriate language(s) regarding the importance of the notice; or
      - 2. A telephone number or address where such residents may contact the public water system to obtain a translated copy of the notice or assistance in the appropriate language; and

- (3) For a public water system subject to the Dymally-Alatorre Bilingual Services Act, Chapter 17.5, Division 7, of the Government Code (commencing with section 7290), meeting the requirements of this Article may not ensure compliance with the Dymally-Alatorre Bilingual Services Act.
- (d) Each public notice given pursuant to this article shall:
  - (1) Be displayed such that it catches people's attention when printed or posted and be formatted in such a way that the message in the public notice can be understood at the eighth-grade level;
  - (2) Not contain technical language beyond an eighth-grade level or print smaller than 12 point; and
  - (3) Not contain language that minimizes or contradicts the information being given in the public notice.

### Appendix 64465-A. Health Effects Language - Microbiological Contaminants.

Contaminant	Health Effects Language	
Total Coliform  Coliforms are bacteria that are naturally present in the environment and are used indicator that other, potentially-harmful, bacteria may be present. Coliforms were more samples than allowed and this was a warning of potential problems.		
Fecal coliform/E. coli	Fecal coliforms and E. coli are bacteria whose presence indicates that the water may be contaminated with human or animal wastes. Microbes in these wastes can cause short-term effects, such as diarrhea, cramps, nausea, headaches, or other symptoms. They may pose a special health risk for infants, young children, some of the elderly, and people with severely compromised immune systems.	
Turbidity	Turbidity has no health effects. However, high levels of turbidity can interfere with disinfection and provide a medium for microbial growth. Turbidity may indicate the presence of disease-causing organisms. These organisms include bacteria, viruses, and parasites that can cause symptoms such as nausea, cramps, diarrhea, and associated headaches.	

### Section 64469 (Reporting Requirements) states in relevant part:

(d) Within 10 days of giving initial or repeat public notice pursuant to Article 18 of this Chapter, except for notice given under section 64463.7(d), each water system shall submit a certification to the State Board that it has done so, along with a representative copy of each type of public notice given.

### Article 3.5. Ground Water Rule

### Section 64430. (Requirements) states:

A public water system that uses ground water shall comply with the following provisions of 40 Code of Federal Regulations as they appear in the Ground Water Rule published in 71 Federal Register 65574 (November 8, 2006) and amended in 71 Federal Register 67427 (November 21, 2006) and 74 Federal Register 30953 (June 29, 2009), which are hereby incorporated by reference: Sections 141.21(d)(3), 141.28(a), 141.153(h)(6), Appendix A to Subpart O (Consumer Confidence Reports), 141.202(a)(8), 141.203(a)(4), Appendices A and B to Subpart Q (Public Notification), and 141.400 through 141.405, except that in:

- (a) sections 141.402(a)(1)(ii), (a)(2), (a)(2)(ii), (a)(4), (a)(4)(ii)(A), (a)(5)(i), and (a)(5)(ii), the phrase "§141.21(a)" is replaced by "22 California Code of Regulations sections 64422 and 64423",
- (b) sections 141.402(a)(1)(ii) and 141.405(b)(4), the phrase "§141.21(c)" is replaced by "22 California Code of Regulations section 64425", and
- (c) section 141.402(a)(2)(iii), the phrase "§141.21(b)" is replaced by "22 California Code of Regulations section 64424".

Addendum A: CA Ground Water Rule - A reference to text adopted pursuant to Section 64430.

### Ground Water Rule - Federal Register

### Section 141.402. (Ground water source microbial monitoring and analytical methods.) states in relevant part:

- (a) Triggered source water monitoring —
- (1) General requirements. A ground water system must conduct triggered source water monitoring if the conditions identified in paragraphs (a)(1)(i) and (a)(1)(ii) of this section exist.
- (i) The system does not provide at least 4-log treatment of viruses (using inactivation, removal, or a State-approved combination of 4-log virus inactivation and removal) before or at the first customer for each ground water source; and
- (ii) The system is notified that a sample collected under 22 California Code of Regulations sections 64422 and 64423 is total coliform-positive and the sample is not invalidated under 22 California Code of Regulations section 64425.
- (2) Sampling requirements. A ground water system must collect, within 24 hours of notification of the total coliform-positive sample, at least one ground water source sample from each ground water source in use at the time

the total coliform-positive sample was collected under 22 California Code of Regulations sections 64422 and 64423, except as provided in paragraph (a)(2)(ii) of this section.

- (i) The State may extend the 24-hour time limit on a case-by-case basis if the system cannot collect the ground water source water sample within 24 hours due to circumstances beyond its control. In the case of an extension, the State must specify how much time the system has to collect the sample.
- (ii) If approved by the State, systems with more than one ground water source may meet the requirements of this paragraph (a)(2) by sampling a representative ground water source or sources. If directed by the State, systems must submit for State approval a triggered source water monitoring plan that identifies one or more ground water sources that are representative of each monitoring site in the system's sample siting plan under 22 California Code of Regulations sections 64422 and 64423 and that the system intends to use for representative sampling under this paragraph.
- (iii) A ground water system serving 1,000 people or fewer may use a repeat sample collected from a ground water source to meet both the requirements of 22 California Code of Regulations section 64424 and to satisfy the monitoring requirements of paragraph (a)(2) of this section for that ground water source only if the State approves the use of *E. coli* as a fecal indicator for source water monitoring under this paragraph (a). If the repeat sample collected from the ground water source is *E. coli* positive, the system must comply with paragraph (a)(3) of this section.

### (e) Sampling location.

- (1) Any ground water source sample required under paragraph (a) of this section must be collected at a location prior to any treatment of the ground water source unless the State approves a sampling location after treatment
- (2) If the system's configuration does not allow for sampling at the well itself, the system may collect a sample at a State-approved location to meet the requirements of paragraph (a) of this section if the sample is representative of the water quality of that well.
- (f) New sources. If directed by the State, a ground water system that places a new ground water source into service after November 30, 2009, must conduct assessment source water monitoring under paragraph (b) of this section. If directed by the State, the system must begin monitoring before the ground water source is used to provide water to the public.
- (g) *Public notification*. A ground water system with a ground water source sample collected under paragraph (a) or (b) of this section that is fecal indicator-positive and that is not invalidated under paragraph (d) of this section, including consecutive systems served by the ground water source, must conduct public notification under §141.202.
- (h) *Monitoring violations*. Failure to meet the requirements of paragraphs (a)–(f) of this section is a monitoring violation and requires the ground water system to provide public notification under §141.204.

### **Bacteriological Distribution Monitoring Report**

1502826 I	B&J Land	Company	
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Distribution	System	Freq:	1/M
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Sample Date	Location	T Coli	E Coli F Coli	НРС	Туре	CI2	Cl2 Avg	Viol. Type	GWR Satisfied? Comments
5/18/2017	Norht Hose Bib	Α	Α		Routine			MR4	
5/1/2017	No Samples							MR1	
4/19/2017	West Hose Bib	Р	Α		Routine			MR5	6/29/17 Rec'd Level 1 for no repeats.
3/16/2017	North Hose Bib	Α	Α		Routine				
2/1/2017	No Sample							MR1	5/18/17 Issued Enf Itr 03_12_17E_004.
1/19/2017	North Hose Bib	Α	Α		Routine				

### Violation Key

MCL	Exceeds Maximum Contaminant Level (L1 RTCR)	GWR	Tier 1 or Tier 2 notification req'd
MR1	No monthly sample for the report month	GR1	GWR M&R violation
MR2	No quarterly sample for the report quarter	L1	Level 1 Trigger RTCR (TCRMCL)
MR3	Incorrect number of routine samples for the report month	L2a	Level 2-EC+ Routine w/TC+Repeat
MR4	Did not collect 5 routine samples for previous month's positive sample	L2b	Level 2-TC+ Routine w/EC+ Repeat
MR5	Incorrect number of repeat samples as follow-up to a positive sample	L2c	Level 2-EC+ Routine w/No Repeats
MR6	No source sample	L2d	Level 2-Repeat at GWR source monitoring is EC+
MR7	No summary report submitted	L2e	Level 2-Two (2) Level 1 Triggers in a 12-month period
MR8	Other comments and/or info		30000

### IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER

Este informe contiene información muy importante sobre su agua potable.

Por favor hable con alguien que lo pueda tradúcir.

# Bacteriological Monitoring Requirements Not Met for B & J Land Company's water system

Our water system failed to monitor as required for a drinking water monitoring standard during April 2017 and, therefore, was in violation of the regulations. Even though this failure was not an emergency, as our customers, you have a right to know what you should do, what happened and what we did to correct this situation.

We are required to monitor your drinking water for specific contaminants on a regular basis. Results of regular monitoring are an indicator of whether or not our drinking water meets health standards. During the month of April 2017 we did not complete all follow up monitoring or testing for coliform bacteria and therefore cannot be sure of the quality of our drinking water during that time.

### What should I do?

- There is nothing you need to do at this time.
- The table below lists the contaminant we did not properly test for during the last month, how many samples we are required to take and how often, how many samples we took, when samples should have been taken, and the date on which follow-up samples were (or will be) taken.

Contaminant	Required sampling frequency	Number of samples taken	When all samples should have been taken	When samples will be taken
Total coliform bacteria	1 routine sample per month. When positive, 4 follow up samples are required.	1 routine sample    (positive for coliform bacteria).    No follow up samples were collected.	April 2017	May 2017

 If you have health issues concerning the consumption of this water, you may wish to consult your doctor.

What happened? What is being don [Describe corrective action.] No Follows	le?	des token t	a partice, Sample	din May
For more information, please contact _	51.	Perer	at 661-725	,

Please share this information with all the other people who drink this water, especially those who may not have received this notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this notice in a public place or distributing copies by hand or mail.

### Secondary Notification Requirements

Upon receipt of notification from a person operating a public water system, the following notification must be given within 10 days [Health and Safety Code Section 116450(g)]:

- SCHOOLS: Must notify school employees, students, and parents (if the students are minors).
- RESIDENTIAL RENTAL PROPERTY OWNERS OR MANAGERS (including nursing homes and care facilities): Must notify tenants.
- BUSINESS PROPERTY OWNERS, MANAGERS, OR OPERATORS: Must notify employees of businesses located on the property.

This notice is being sent to you by B & J Land Company.

### PROOF OF NOTIFICATION

(Return with copy of the Notice)

As required by Section 116450 of the California Health and Safety Code, I notified all users of water supplied by the B & J Land Company (1502826) of the failure to meet the monitoring and reporting requirement for coliform bacteria monitoring for the month of April 2017 as directed by the Division. At least one primary distribution method is required along with a second method in order to reach persons not likely to be reached by a mailing, direct delivery or posting:

Notification was made on 6/28/c7 (date)
To summarize report delivery used and good-faith efforts taken, please check all items below that apply and fill-in where appropriate:
The notice was distributed by mail delivery to each customer served by the water system.
The notice was distributed by direct delivery to each customer served by the water system Specify direct delivery method(s) used: Had Delivered
Publication of the notice in a local newspaper or newsletter of general circulation (attack copy of the published notice, including name of newspaper and date published).
Posted the notice at the following conspicuous locations served by the water system (if needed, please attach a list of locations). Lake Mini Mark Huy 46
Email message to employees or students
Other method used to notify customers.
DISCLOSURE: Be advised that Section 116725 and 116730 of the California Health and Safety Code state that any person who knowingly makes any false statement on any report or document submitted for the purpose of compliance with the attached order may be liable for a civil penalty not to exceed five thousand dollars (\$5,000) for separate violation for each day that violation continues. In addition, the violators may be prosecuted in criminal court and upon conviction, be punished by a fine of not more than \$25,000 for each day of violation, or be imprisoned in the county jail not to exceed one year, or by both the fine and imprisonment.
Certified by Name and Title: Steve Perez Operations
Date: $\sqrt{28/7}$ Signature:

Due to the Division of Drinking Water within 10 days of notification to the public Total Coliform Monitoring and Reporting non-compliance

Enforcement Action No.: In progress

### IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER

Este informe contiene información muy importante sobre su agua potable.

Por favor hable con alguien que lo pueda tradúcir.

## Bacteriological Monitoring Requirements Not Met for B & J Land Company's water system

Our water system failed to monitor as required for a drinking water monitoring standard during May 2017 and, therefore, was in violation of the regulations. Even though this failure was not an emergency, as our customers, you have a right to know what you should do, what happened and what we did to correct this situation.

We are required to monitor your drinking water for specific contaminants on a regular basis. Results of regular monitoring are an indicator of whether or not our drinking water meets health standards. During the month of May 2017 we did not complete all follow up monitoring or testing for coliform bacteria and therefore cannot be sure of the quality of our drinking water during that time.

### What should I do?

- There is nothing you need to do at this time.
- The table below lists the contaminant we did not properly test for during the last month, how many samples we are required to take and how often, how many samples we took, when samples should have been taken, and the date on which follow-up samples were (or will be) taken.

Contaminant	Required sampling frequency	Number of samples taken	When all samples should have been taken	When samples will be taken
Total coliform bacteria	1 routine sample per month. When positive, 5 routine samples required the next month.	1 routine sample (positive for coliform bacteria in April). 5 routine samples required in May 2017.	May 2017	July 2017

 If you have health issues concerning the consumption of this water, you may wish to consult your doctor.

Vhat happened? What is being done?  Describe corrective action.]				
For more information, please contact	at			
Please share this information with all the other people who drink notice directly (for example, people in apartments, nursing homes notice in a public place or distributing copies by hand or mail.				

### Secondary Notification Requirements

Upon receipt of notification from a person operating a public water system, the following notification must be given within 10 days [Health and Safety Code Section 116450(g)]:

- SCHOOLS: Must notify school employees, students, and parents (if the students are minors).
- RESIDENTIAL RENTAL PROPERTY OWNERS OR MANAGERS (including nursing homes and care facilities): Must notify tenants.
- BUSINESS PROPERTY OWNERS, MANAGERS, OR OPERATORS: Must notify employees of businesses located on the property.

This notice is being	a cont to you h	WB 8 II and	Company	Date:
This house is being	g sent to you b	y D & J Lanu	Company.	Date.

### PROOF OF NOTIFICATION

(Return with copy of the Notice)

As required by Section 116450 of the California Health and Safety Code, I notified all users of water supplied by the **B & J Land Company (1502826)** of the failure to meet the **monitoring and reporting requirement for coliform bacteria monitoring for the month of May 2017** as directed by the Division. At least one primary distribution method is required along with a second method in order to reach persons not likely to be reached by a mailing, direct delivery or posting:

Notification was made	on
	(date)
To summarize report d that apply and fill-in w	elivery used and good-faith efforts taken, please check all items below here appropriate:
The notice was d	istributed by mail delivery to each customer served by the water system.
	istributed by direct delivery to each customer served by the water system. livery method(s) used:
	e notice in a local newspaper or newsletter of general circulation (attach a shed notice, including name of newspaper and date published).
	at the following conspicuous locations served by the water system (if tach a list of locations).
Email message to	employees or students.
Other method use	ed to notify customers
Code state that any submitted for the pu exceed five thousan addition, the violator not more than \$25,0	Be advised that Section 116725 and 116730 of the California Health and Safety person who knowingly makes any false statement on any report or document prose of compliance with the attached order may be liable for a civil penalty not to d dollars (\$5,000) for separate violation for each day that violation continues. In rs may be prosecuted in criminal court and upon conviction, be punished by a fine of 1000 for each day of violation, or be imprisoned in the county jail not to exceed one fine and imprisonment.
Certified by Name and	Title:
Date:	Signature:

Due to the Division of Drinking Water within 10 days of notification to the public Total Coliform Monitoring and Reporting non-compliance Enforcement Action No.: In progress

APPENDIX 7

Reid 4/29/17.

# REVISED TOTAL COLIFORM RULE (RTCR) – LEVEL 1 ASSESSMENT

For Transient, Non-Community Water Systems

This form is intended to assist public water systems in completing the investigation required by the federal revised Total Coliform Rule (rTCR) [effective April 1, 2016] and may be modified to take into account conditions unique to the water system. To avoid a violation, an assessment report must be completed and returned to your local regulatory agency no later than 30 days after the coliform treatment trigger date.

6/28/

00

Bar

SYSTEM NAME: 13+7

1502826

SYSTEM #:

Trigger Date: 6/ Investigation Date:

		oards	SONTHON ROARS	OMPACE SCATE
	4	I B	TER RESOURCER	B GUALITY OF
	CALIFORNI	/ate	SATER &	BAR BAFE
4	DAL	5	17.	5 2 E

#	Issues	Yes/No	N/A Potentially	entially	If Yes or Potentially, Identify
н	Unusual occurrences with the water system since				
	the last negative routine bacteriological sample:				
	Loss of pressure <5 psi	YO NE			
	Heavy precipitation and/or flooding	YO NE			
	Customer complaints of water quality or pressure	Y NEZ			
	Evidence of unauthorized access/vandalism	YO NZ			
	Interruption in disinfection treatment	VO NO	Ø		
2	Changes to water system since last negative		Derive State		
	routine bacteriological sample:	A STATE OF THE PARTY OF THE PAR			
	Piping modified or repaired	Y NE			
	System components replaced or repaired	YO NZ			
	Changes in operational procedures or personnel	YO NE			
m	Groundwater source contamination:				Proceed to section 4 if groundwater is not used.
	Repeat bacteriological sample(s) from raw source	Y NZ			
	water is positive for total coliform				
	Wells:				
	Cracks or holes in the well casing above grade	YO NE			
	Water can leak through well top seal	Y NEZ			
	The well is not equipped with a downturned	VO NZ			
	screened vent.				
	Water can leak through well head penetrations for	V DN D			
	electrical or sounding equipment				
	Leaking pipes or standing water around the well(s)	VO NZ			
	Springs and/or Horizontal Wells:		Þ		
	The collection site is overgrown with vegetation.	$\square$ N $\square$ A			
	Flowing/standing water around the collection site	N □ V			
	Evidence of animal activity around the collection site (grazing/burrowing)	N □Y			
	Rodents, insects or roots in the spring box	N DY			

# MAY 2016

# REVISED TOTAL COLIFORM RULE (RTCR) - LEVEL 1 ASSESSMENT For Transient, Non-Community Water Systems Page 2 of 3

#	Issues	Yes/No	N/A	Potentially	If Yes or Potentially, Identify
4	Surface water or GWUDI treatment issues		P		
	CT not met at all times	VO N			
	Spikes in raw or filtered water turbidity	Y N			
	Alarms and auto shutdowns are not properly set or functioning.	N D			
2	Tank(s) storage, clearwell, backwash return:		Þ		Proceed to section 6 if there are no tanks.
	Openings in tank roof that rain water can enter	N □V			
	Rodents, birds, insects or other unexpected materials inside tank	V DV			
	Tank air vents are not properly screened to	V DV			
	prevent insects from entering.		1		
	Hatches or access ladders left unlocked	\ \ \ \ \			
	For redwood tanks, signs of birds/animals burrowing or nesting into the tank	N			
	root intrusion, for underground tanks	V□ N□			
9	Distribution system				
	Low pressure transmission lines	YO NE			
	Dead end lines	YO NZ			
	Interties with non-potable water systems or sources (even if valved off)	V DV			
	Any certified backflow prevention devices not tested in the previous calendar year.	N DY	7		
7	Sample site and sampling procedures				
	is there a written sampling procedure and was it followed?	YO NZ			
	Sample sites are not the ones identified in the approved bacteriological sample siting plan.	V□ NZ			
	Sample taps are wet, leaking or dirty	YO NZ			
	The sample collector was not properly trained	YO NE			
	Were sample bottles delivered to the lab in a cooler and within allowable holding time?	N ZZ		-	
	Is there a seasonal pattern in positive samples when reviewing historical monitoring?	∠ZN O.k			
∞	Other	YO NE			

# MAY 2016

# REVISED TOTAL COLIFORM RULE (RTCR) - LEVEL 1 ASSESSMENT

For Transient, Non-Community Water Systems

Page 3 of 3

SUMMARY: Based on the results of your assessment and any other available information, what deficiencies do you believe to have caused the positive total coliform sample(s) within your distribution system? (DO NOT LEAVE BLANK)

Deficiency #	Deficiency Description
1.	Mis Communication with testing lab
2.	
3.	
4.	
5.	

CORRECTIVE ACTIONS: What actions have you taken to correct the above mentioned deficiencies? If additional time is needed to correct a deficiency, indicate the date that it will be corrected. (DO NOT LEAVE BLANK)

Deficiency #	Corrective Action	Date Completed
1.	Better Comunication with testing 195	6/25/12
2.		
3.		
4.		
5.		

CERTIFICATION: I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

DATE. 6	i i  -
F. O Perations	
I	
Lerci.	
NAME: HOW	

Upon review of the Level 1 Assessment Form, the local regulatory agency may require submittal of the following additional information:

- general layout of the distribution system including the location of all hazardous connections such as the wastewater treatment facility. Sketch of system showing all sources, all treatment and chlorination locations, storage tanks, microbiological sampling sites and
  - A set of photographs of the source, pressure tanks, and storage tanks in the system may be submitted if they would show that the contamination is directly related and changes have been made since the last inspection by the local regulatory agency.
    - Name, certification level and certificate number of the Operator in Responsible Charge.
- Copy of the last cross connection survey performed that identifies the location of all unprotected cross connections.